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PARISH GOVERNMENT IN LOUISIANA

BY WILLIAM O. SCROGGS, PH.D.,

Department of Economics and Sociology, Louisiana State University,
Baton Rouge, La.

The Origin of Parish Government

While local government in Louisiana does not differ in its fundamental features from that of the other Southern states, the system has a somewhat distinctive nomenclature. What in other states is called the county is officially designated in Louisiana as the parish, and in place of the usual county commissioners we find a body of men with similar powers termed the police jury. The term parish government as used in Louisiana has the same significance, therefore, as the term county government in other Southern commonwealths.

It is interesting, however, to note that for a brief period the political subdivisions were called counties. After the purchase from France in 1803 of the immense area then designated as Louisiana, the portion of this region south of the thirty-third parallel, embracing most of the present state, was organized as the territory of Orleans. The legislative council, at its first session in 1804-5, passed "an act for dividing the territory of Orleans into counties, and establishing courts of inferior jurisdiction therein." Twelve counties with vaguely defined boundaries and differing greatly in size and population were created. In a few cases the new counties corresponded in limits to the ecclesiastical district of the Spanish régime known as the parish, but more frequently several parishes were combined into a single county, and some counties were designated merely as groups of settlements. In 1807 the subdivisions of 1804 were abolished as units of local government, and the territory was redivided into nineteen parishes, so called because their boundaries were based in many instances upon the earlier divisions for ecclesiastical administration. The county, however, still survived for a number of years, but not as an institution of local government. The twelve counties of 1804 are several times enumerated in the first state constitution, adopted in 1812. This instrument arranged the state senatorial

districts by groups of counties, apportioned membership in the lower house of the general assembly by counties, and divided the state into two appellate judicial districts with six counties in each. In subsequent legislation, parishes and counties were both referred to, but the latter indicated only electoral districts and not centers of local administration.¹

On December 10, 1810, William C. C. Claiborne, the territorial governor, issued an ordinance, in compliance with the proclamation of President Madison of October 27 of that year, extending the jurisdiction of the territorial government over the disputed west Florida region between the Mississippi and Perdido rivers. To this region the name "County of Feliciana" was given. In 1812 congress formally annexed as much of this area as lay between the Mississippi and Pearl rivers to the newly created State of Louisiana, and this district is still commonly designated as the "Florida parishes."

As a result of this enlargement of boundaries, and of a later process of subdivision, the number of parishes has grown from the original nineteen to sixty-four. The last division went into effect on January 1, 1913, when the so-called "imperial parish of Calcasieu," containing 3,629 square miles, gave up about three-fourths of its area to form the three new parishes of Allen, Beauregard and Jeff Davis. The names of the parishes have a close connection with the history of the state. The three just mentioned bear the names of Louisiana's war governor, of one of her Confederate generals, and of the president of the Confederacy. On the other hand, the parishes of Grant and Lincoln, organized in 1869 and 1873 respectively, are reminders of the days of Reconstruction. Acadia and Evangeline commemorate the immigration of the French exiles into Louisiana from Nova Scotia; Caddo and Tensas perpetuate the tribal names of aborigines; De Soto, LaSalle, Bienville and Iberville bear their names in memory of the early European explorers; while such names as St. John the Baptist, St. Mary, St. James and Ascension, which are applied to some of the original parishes of 1807, indicate their ecclesiastical origin.

During the first two years of the American occupation of Orleans territory, local government was administered by officials designated as civil commandants and syndics. When the territory was divided into counties, the civil commandants gave place to judges of the

¹ See, for example, the *Acts of Louisiana*, 1817, p. 66; and 1827, p. 26.

county courts and the syndics to justices of the peace. This change, however, was one of name rather than of functions. The judges of the county courts were charged with the duties of probating wills, acting as notaries, superintending roads and levees, and policing slaves. In 1807 the judge of the county court became the judge of the parish court. The rapid growth of population soon increased the functions of the local governments, and made it impracticable for a single officer to discharge such multifarious duties. It is unnecessary, however, to trace here the differentiation of local governmental functions and the multiplication of parish offices.

The Organization of the Parish Government

For facilitating administration, the parishes are divided into from five to ten wards, and the general administrative and legislative functions are vested in a police jury, one member of which is chosen from each ward and additional members from wards with five thousand or more inhabitants. A police juror must meet all the residence and poll tax requirements prescribed for a regular voter, and in addition must be literate and possess, either in his own name or that of his wife, property in the parish worth \$250. The members choose a president from their own number, and are compensated for their services with per diem and mileage payments. Briefly summarized, the duties and functions of the police jury consist in supervising the construction and repair of public buildings, roads, bridges and dikes; clearing natural drains; removing floating timber, aquatic plants and other obstructions in navigable streams; regulating the roving at large of live stock; controlling businesses and places that come under the police power; levying parish licenses (the so-called "occupation taxes") and the regular taxes for the support of the parish government; establishing toll bridges and ferries, and fixing the rates on these when privately owned; protecting the parish against contagious diseases, and providing for the support of the poor.

The police jury is required to choose an official journal in which to publish the proceedings of its meetings. In addition it must publish a budget of expenditures for the coming year at least thirty days before the meeting at which it fixes the rate of parish taxes. It is forbidden by law to make appropriations in excess of the estimated revenue for the year, but it may issue interest-bearing certificates to cover the cost of public improvements which are to be paid for out of the revenues of succeeding years.

Special taxes for public improvements may be levied by a vote of the property taxpayers in the district affected. Such taxes may be voted by a parish, municipality or ward, or by specially created school, drainage or road districts. Bonds, limited to forty years and five per cent, may be authorized also for public improvements by the voters of the parish or any of its subdivisions, but may not exceed in amount ten per cent of the assessed value of the property of the district issuing them. In such elections resident women taxpayers may vote without previous registration and may cast their ballots in person or by proxy. The proposed tax or bond issue must have in its favor a majority of the voting taxpayers, and of their property as well. In addition to an *ad valorem* tax, road districts may impose a road tax of one dollar per capita upon all able-bodied men between the ages of eighteen and fifty-five years and a license upon vehicles and bicycles.

The state poll tax of one dollar per year, the payment of which for two successive years is made a prerequisite for voting, is retained by the parish in which it is collected for the benefit of public schools. The parish also retains the fines imposed in its limits for violation of state laws. Except in municipalities exempt by their charters from parish taxes, the parish assessor enrolls all property in the parish for state, parish and municipal taxation.² The sheriff is *ex officio* collector of state and local taxes, as well as guardian of the peace.

The other parish officers, whose duties it is not necessary to describe, are the treasurer, clerk, coroner, superintendent of schools, school board, board of health, justices of the peace and constables. All of these, except the treasurer and the superintendent of public schools, are elected by popular vote. The treasurer is chosen by the police jury, and the superintendent of schools by the school board. There is a justice of the peace and a constable for each ward. The justices of the peace have exclusive original jurisdiction in all civil cases in which the amount in dispute does not exceed fifty dollars, and in cases involving amounts between fifty and one hundred dollars they have concurrent jurisdiction with the district courts. Each judicial district consists of from one to three parishes, according to area and population, and for each district there is a judge, a clerk and a district attorney.

² The city of Baton Rouge, by a special constitutional provision, divides equally with the parish the net amount of the parish tax collected within its limits.

"The Parish of Orleans Excepted"

The preceding description of parish government does not apply in every instance to the parish of Orleans, which forms a part of the city of New Orleans. Consequently "the parish of Orleans excepted" is a stereotyped phrase in the constitution and laws of Louisiana. The parish of Orleans has both a civil and a criminal sheriff, neither of them being *ex officio* tax collector, as is the case in the country parishes. For this parish there are seven tax assessors, an equal number of state tax collectors, a register of conveyances, a recorder of mortgages and a judicial organization far more extensive than that of any other parish. As the entire parish forms a part of a municipal corporation, there is of course no need of a police jury or of constables and justices of the peace.

Special Problems of Parish Government

During the past decade the problem that has received the most attention from the parishes has been that of providing better school facilities. So great has been the educational awakening in the rural districts, that this problem is now well on the way toward solution. In 1900 the state surpassed all others in illiteracy; its educational system was poorly organized and still more poorly financed, and the typical country school was little more than a rude cabin. The school growth has been especially noticeable since 1906. The parishes have been rapidly discarding the ancient one-room schoolhouses for modern consolidated schools and are steadily increasing the number of school districts for the purpose of voting special school taxes. At the close of the year ending July 1, 1912, the number of consolidated schools was 227. In conveying children from the farms to these schools 280 wagonettes were employed and 6,621 children were transported. Of the total school revenues in this year of \$5,867,967, the sum of \$1,585,183 was derived from special taxes. On July 1, 1911, 1,221 schools were partly aided by special taxes, and in eleven parishes the special tax was voted for the whole parish.

Next in importance, perhaps, to the school problem, and to some extent interrelated with it, is the problem of good roads. It has always been recognized that the consolidation of country schools is impracticable if bad roads interfere with the transportation of pupils. A persistent campaign for better roads has been conducted for a number of years, and the state has undertaken to cooperate

with the parishes by establishing a highway department in connection with its Board of Engineers and by setting aside a small sum—in 1913, \$100,000—to be used by this department in supplementing parish appropriations for the construction of model highways. Road building in Louisiana offers peculiar problems; the level alluvial lands offer many drainage difficulties and furnish scant supplies of road-building materials. As an indication of the growing interest in road improvement may be cited the fact that during the week in which this article was written the police juries of St. John the Baptist, Tangipahoa and West Feliciana parishes held special meetings to discuss road taxes, the police jury of Lafayette ordered a survey of the principal roads of that parish with the object of levying a special tax for roads and qualifying for aid from the state highway department, and the police jury of East Baton Rouge called a special election to authorize a bond issue to complete a model road in that parish.

Drainage districts may be created in a manner similar to that prescribed for road districts. The drainage work is under the direction of five drainage commissioners, three being appointed by the police jury and two by the governor, and is financed by loans and a special tax on general property, or on land alone, the latter being known as an acreage tax or forced contribution. The control of the Mississippi River and its tributaries, while really a national question, should not be omitted from the list of local administrative problems in Louisiana. Very little of the drainage of the state flows into the Mississippi, which nevertheless brings the drainage waters of half the United States into southern Louisiana, and at its flood levels is a serious menace to a large section of this commonwealth. Not only is the cost of levee construction and maintenance a heavy burden, but the breaking of a levee, with its destruction of property and demoralization of industry, means a decline in tax assessments and an empty local treasury. The people of the alluvial districts, therefore, are earnestly advocating federal control of the levee system. The state expends a part of its general income (in 1911, \$336,930) for levee construction, and to this is added a large sum from local taxes. The regions subject to overflow are divided into fifteen levee districts, which raise by special taxation over a million dollars a year. In 1911 this sum amounted in round numbers to \$1,600,000, and it is derived from the following sources:

an additional *ad valorem* rate on general property, an acreage tax, a produce tax, and a tax on railways. The levee boards of the various districts are also empowered to issue bonds, and have done so to the extent of \$6,637,400.

Owing to the mild climate and easy means of securing subsistence, the care of paupers is not so serious a problem in Louisiana as it is in more northerly states. Only a few parishes maintain almshouses and the general rule is to furnish a small amount of outdoor relief—usually three or four dollars per month—to those on the “pauper list.” This system is subject to none of the abuses which have developed when it has been tried in more populous communities. The insane constitute a more serious local problem, perhaps, than do the paupers. Owing to the limited accommodations at the two state hospitals for the insane, a large number of these unfortunates are confined in parish jails.

Public health and sanitation are receiving increasing attention from the parish governments. Under the direction of the State Board of Health a vigorous campaign, with a “health train” and a corps of lecturers, has been conducted throughout the state and has reached the remotest villages and hamlets. The results are bearing fruit. Police juries are appropriating money to aid in the eradication of the hookworm and are providing for complete records of vital statistics. Another progressive step is the appropriation of funds by the parishes for farm demonstration work. This measure is rendered all the more desirable since the advent of the boll-weevil in the cotton regions has necessitated diversified farming and more scientific methods of agriculture.

The regulation of the liquor traffic in Louisiana is still mainly a local problem, as the state-wide prohibition movement has not met with the same response in this as in the neighboring commonwealths. In 1908 the friends of prohibition made a vigorous effort to secure an anti-saloon law, but without success. In that year, however, twenty-eight parishes were already “dry” as a result of local option, and this principle, combined with high license, has met with public approval. Several parishes have large towns in which the anti-saloon forces are in the minority, but which have been made “dry” by the country vote. The opponents of prohibition in such municipalities are advocating the segregation of the town or city from the parish in local option elections.

Closely associated with most of the foregoing problems is the problem of finance. The advent of the boll-weevil caused a great industrial disturbance in the cotton-producing parishes, accompanied by a depreciation of land values and an exodus of farm labor to more favored districts. In the decade 1900-10, nine parishes experienced a loss of population. The decline in tax assessments in some of these communities has made the raising of sufficient revenues a difficult matter not only for the parishes but also for the state, and has necessitated the confinement of governmental activities within narrow limits. The inadequacy of income is complicated by an unsatisfactory system of taxation. A rated tax on general property forms the chief source of revenue for both the state and the local governments, and the present methods of assessment result in great inequalities between parishes, between classes of property, and between individuals. The assessments of real estate in the different parishes range all the way from twenty to seventy-five per cent of the value of the property. In the parish of East Baton Rouge, for example, property is assessed at about fifty-five per cent of its real value, while in the adjoining parish of West Baton Rouge the proportion of assessed to real value is only about twenty-eight per cent. This is an evil which the State Board of Equalization, for obvious reasons, has been powerless to remedy. If assessments are to be equalized they must be brought to the level of those of the parish of Orleans. This parish's assessments cannot be reduced without raising correspondingly its already high tax rate. In order to bring all assessments to the Orleans level, that is to 75 per cent of the real value of the property, those of Avoyelles parish, for example, would have to be raised 85 per cent; those of West Baton Rouge 165 per cent, and those of Pointe Coupée 250 per cent. No one has ever seriously maintained that such a measure could be successfully executed. After six years of agitation for tax reform a constitutional amendment, providing for the separation of the sources of state and local revenues, so as to eliminate the inequalities in the assessments of the state tax, was submitted to the voters on November 5, 1912, but was defeated by a large majority. Friends of the amendment sought to demonstrate statistically that its adoption would annually increase the revenues of the parishes to the extent of one million dollars without raising the existing tax rate. To the principle of separate sources of state and local revenues no great objection was

urged, but many believed that the proposed plan would sacrifice the interests of the parishes for the benefit of the state treasury. Heavier taxes on certain classes of corporations and a progressive inheritance tax were also included in the measure, and as these aroused much opposition from the interests affected thereby they materially contributed to the defeat of the plan. Tax reform, therefore, still remains one of the most vital problems of both state and parish governments.